

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:23-cv-00158-KDB**

RANDALL OTVOS,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
)	
STATE OF NORTH CAROLINA, et al.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on review of the docket in this matter.

Pro se Plaintiff filed this action on October 4, 2023, against several Defendants, including among others, the State of North Carolina, Wilkes County Prosecutors Valerie McGuire and Tom Horner, and William F. Brooks, a Wilkes County Judge. [Doc. 1]. On October 31, 2023, before proceeding to initial review of Plaintiff's Complaint, the Court denied Plaintiff's motion for leave to proceed in forma pauperis (IFP) and ordered Plaintiff to pay the filing fee within 21 days or the action would be dismissed without prejudice and without further notice to Plaintiff. [Doc. 4]. Plaintiff appealed that Order to the Court of Appeals for the Fourth Circuit. [Doc. 5]. On November 21, 2023, after filing his notice of appeal, Plaintiff filed an amended IFP motion. [Doc. 7]. On January 4, 2024, the Court administratively denied Plaintiff's amended IFP motion without prejudice because Plaintiff's appeal from the denial of his first IFP motion remained pending. [1/4/2024 Text Order]. On February 12, 2024, the Fourth Circuit dismissed Plaintiff's appeal for failure to prosecute. [Doc. 11-1].

Plaintiff has not paid the filing fee as ordered in October 2023 and has taken no other action in furtherance of this matter. The Court, therefore, will dismiss Plaintiff's Complaint without prejudice for his failure to pay the filing fee and to otherwise prosecute this matter.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Complaint [Doc. 1] is dismissed without prejudice.

The Clerk is instructed to terminate this action.

Signed: May 2, 2024



Kenneth D. Bell
United States District Judge

